

United States Senate
WASHINGTON, DC 20510

May 25, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Deb Haaland
Secretary
Department of the Interior

The Honorable Tom Vilsack
Secretary
Department of Agriculture

Dear Secretary Haaland and Secretary Vilsack:

The Federal Lands Recreation Enhancement Act (FLREA) grants the Secretary of the Interior and the Secretary of Agriculture authority to charge fees for the use of public lands.¹ The collected fees are intended for the upkeep and enjoyment of the parks.² Some of these fees are collected via Recreation.gov, which charges fees to make reservations, enter lotteries, and obtain permits at National Parks and other federal recreational lands.³

Recreation.gov isn't operated by the Federal Government. Instead, the U.S. Forest Service, on behalf of the Federal Government has contracted⁴ the consulting firm Booz Allen Hamilton Inc. (Booz Allen) to operate the website, and Booz Allen is profiting from the fees.⁵ Reportedly, per its government contract, "Booz Allen gets paid every time a user makes a reservation on Recreation.gov."⁶ This money is derived from various per-transaction fees charged through the website. The fees include—but are not limited to—processing fees, lottery fees, application fees, cancellation fees, reservation fees, and administrative fees.⁷ Based on reporting from the *Wall*

¹ 16 U.S.C. §§ 6801-6814.

² Specifically, "Amounts available for expenditure...shall be used only for—(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety; (B) interpretation, visitor information, visitor service, visitor needs assessments, and signs; (C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography; (D) law enforcement related to public use and recreation; (E) direct operating or capital costs associated with the recreation fee program; and (F) a fee management agreement established under section 6805(a) of this title or a visitor reservation service." 16 U.S.C. § 6807.

³ Allison Pohole, *National Park Visits Are Surging, and One Firm Is Making Unexpected Millions*, THE WALL STREET JOURNAL, (Apr. 6, 2023), <https://www.wsj.com/articles/national-park-fees-booz-allen-68d4d6d8>.

⁴ Contract Issued by USDA Forest Service, Acquisition Management Operations to William D. Ott, found at https://www.fs.usda.gov/sites/default/files/2023-03/AG-3187-C-16-9000FINAL_Redacted%5B31979%5D_0.pdf (last accessed Apr. 28, 2023). Notably, the contract between Booz Allen and the Forest Service is heavily redacted.

⁵ Pohole, *supra* note 3.

⁶ *Id.*

⁷ The fees can include a \$15 nonrefundable applications fee; \$10 cancellation fee for campsites; \$10 change fee to add, change, or remove a night's campsite stay; \$10 reservation fee to secure a permit; \$6 nonrefundable reservation fee for a climbing permit; \$2 nonrefundable administrative fee for vehicle trips; and \$1 application fee for all lottery

Street Journal, Booz Allen, “invoiced the government for more than \$140 million from October 2018 to November 2022.”⁸

By way of example, if a family wishes to visit Glacier National Park, they must first purchase a vehicle pass from Recreation.gov.⁹ While the pass is technically free, there is a \$2 charge to book the reservation, which goes to Booz Allen.¹⁰ Likewise, while there is no fee for a timed entry permit at Arches National Park, Booz Allen charges \$2 per vehicle to process each free permit.¹¹ To illustrate how much money is reportedly at issue, “[i]n 2022, 310,033 visitors entered Arches with a timed entry permit.... resulting in \$620,000 for Booz Allen” from one park in one year.¹²

These fees have been the subject of litigation. Earlier this year, a group of outdoor enthusiasts filed a lawsuit alleging that Booz Allen is “forcing American consumers to pay Ticketmaster-style junk fees to access national parks and other federal recreational lands.” In their complaint, plaintiffs requested to have the matter certified as a class-action covering “all individuals in the United States who were charged a Junk Fee on the Recreation.gov website and/or app.”¹³ In 2020, a hiking enthusiast sued the Bureau of Land Management (BLM) over the processing fee Recreation.gov charged to access the mandatory reservation system to visit Red Rock Canyon Conservation Area.¹⁴ The final judgement in his favor declared the \$2 processing fee in violation of the Administrative Procedures Act.¹⁵ Accordingly, the BLM then completed the necessary notice-and-comment period. Yet, all the money gained from Red Rock Canyon’s timed entry system from 2020-2022—before BLM completed the notice-and-comment period—has not been repaid to the taxpayer or, specifically, to the people who purchased those passes.

The Recreation.gov construct also appears to harm special guests who are statutorily afforded use without charge. Important, active-duty military and their dependents, veterans, Gold Star Families, and people with disabilities are entitled to National Parks and Federal Recreational Land Passes “without charge” and at “no cost.”¹⁶ As such, unnecessary fees that flow to a private entity appears to violate that promise.

applicants. Lori Sonken and Kurt Repanshek, *Lawsuit Alleges Recreation.Gov Is Cluttered With “Junk Fees,” Seeks Millions In Refunds*, NATIONAL PARKS TRAVELER, (last accessed Apr. 28, 2023), <https://www.nationalparkstraveler.org/2023/02/update-lawsuit-alleges-recreationgov-cluttered-junk-fees-seeks-refunds>.

⁸ *Id.*

⁹ Allison Pohle, *Glacier, Rocky Mountain, Arches National Parks Plan More Reservations*, THE WALL STREET JOURNAL, (Updated Dec. 16, 2022), https://www.wsj.com/articles/national-parks-reservations-glacier-rocky-mountain-arches-11671214631?mod=article_inline.

¹⁰ Pohole, *supra* note 3.

¹¹ Sonken and Repanshek, *supra* note 7.

¹² *Id.*

¹³ *Id.*

¹⁴ Matt Stoller, *Why Is Booz Allen Renting Us Back Our Own National Parks?*, BIG BY MATT STOLLER, (Nov. 29, 2022), <https://mattstoller.substack.com/p/why-is-booz-allen-renting-us-back>.

¹⁵ *Kotab v. BLM*, 595 F. Supp 3d 947, 956-7 (D. Nev., March 31, 2022).

¹⁶ 16 U.S.C. § 6804(a), (b)(2)-(3).

The FY 2023 appropriations for the National Parks Service was \$3.475 billion¹⁷ and of that amount, over \$2.923 billion was reserved for “management, operation, and maintenance of areas and facilities” administered by the National Park Service.¹⁸ The FY 2023 appropriations for the U.S. Forest Service was \$10.08 billion.¹⁹ This does not even include the funding of the other 11 agencies using Recreation.gov.²⁰ With so much money already paid by the taxpayer for public lands, and to your departments, one must ask why a private company is needed to manage the website and why they’ve been allowed to extract these fees from visitors.

Our country’s great sights and parks belong to the people. As such, they deserve to know who is profiting from the fees associated with their use and enjoyment and the extent of that profit. Accordingly, in order for Congress to perform an independent and objective review, please answer and provide the following no later than June 8, 2023:

1. How much taxpayer money did the U.S. Forest Service pay Booz Allen to assume operation of Recreation.gov? Provide all records.²¹
2. Are the amounts that Booz Allen charges for transaction fees specified in its contract with the Forest Service? If so, please provide the pertinent section of this contract.
3. If not, do the agencies and bureaus approve individually the amounts Booz Allen charges for each transaction fee? If not, how have the agencies and bureaus overseen the determination of the amounts to be assessed for transaction fees? Provide all records.
4. Since 2017, how much appropriated funding has Booz Allen been paid per year to operate Recreation.gov?

¹⁷ National Park Service, *What is the Consolidated Appropriations Act and What Does It Mean for the National Park Service?*, WWW.NPS.GOV/ARTICLES/, (last updated January 17, 2023), <https://www.nps.gov/articles/000/consolidated-appropriations-act.htm>.

¹⁸ Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, H.R. 2617-307, (2022), <https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf> at 307.

¹⁹ Congressional Research Service, IF12141 Version 4 Updated, Forest Service: FY2023 Appropriations, (Updated Feb. 10, 2023), https://www.everycrsreport.com/files/2023-02-10_IF12141_2d08c65baefb3aebb20474d8ed0c237e7e8830bd.pdf.

²⁰ The Bureau of Land Management, Department of Transportation, National Oceanic and Atmospheric Administration, Smithsonian, U.S. Army Corps of Engineers, Fish and Wildlife, Department of the Treasury, Presidio Trust, Tennessee Valley Authority, Bureau of Reclamation, and the National Archives are all listed along with the National Park Service and Forest Service on the recreation.gov website. Recreation.gov <https://www.recreation.gov/> (last accessed Apr. 28, 2023).

²¹ “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

5. Since 2017, how much money in transaction fees and related charges has Booz Allen charged the public? Provide annual totals by department or bureau.
6. How much money was paid to Booz Allen in regard to processing fees to access Red Rock Canyon Conservation Area, prior to the required notice-and-comment period being completed? Will there be a refund for all charges? If not, why not? Provide all records.
7. What steps have your departments taken to better notify the public of the fee-structure Booz Allen benefits from? Provide all records.
8. How many Information Technology (IT) personnel do your departments employ?

Thank you for your attention to this important matter. If you have any questions, please contact my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget



John Barrasso
Ranking Member
Committee on Energy & Natural
Resources